



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:****Ken Omersa****Application No.: 10/719,579****Filing Date: November 21, 2003****For: A FUEL CELL****Confirmation No.: Not Yet Assigned****Group Art Unit: Not Yet Assigned****Examiner: Not Yet Assigned**

DATE OF DEPOSIT:

*January 30, 2004*

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
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TYPED NAME: Elizabeth A. McLoud

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of

the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second After Final Submission, therefore:
  - Certification in Accordance with § 1.97(e) is attached; or
  - The fee of \$180.00 as set forth in § 1.17(p) is attached.
- In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:
  - Certification in Accordance with § 1.97(e) is attached;
  - or
  - The fee of \$180.00 as set forth in § 1.17(p) is attached.
- In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).
- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

- Copies of references listed on the attached Form PTO-1449 are enclosed herewith
- Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

**EXCEPT THAT:**

- In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
  - Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. , filed

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

- English language abstracts have been provided for references **5, 6 and 7** which are not in the English language.
- There are no listed references which are not in the English language.

Date: *January 30, 2004*

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<b>Form PTO-1449 Modified</b>		Docket No. THOM-0029/ P302625US	Application No. 10/719,579
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)		Applicant Ken Omersa	
U.S. Department of Commerce Patent and Trademark Office		Filing Date November 21, 2003	Group Not Yet Assigned
		Confirmation No. Not Yet Assigned	

**U. S. PATENT DOCUMENTS**

<b>Examiner Initial</b>		<b>Document No.</b>	<b>Date</b>	<b>Name</b>	<b>Class</b>	<b>Subclass</b>
	1	3,437,525	04/08/69	Hauel, et al.	136	86
	2	5,578,388	11/26/96	Faita, et al.	429	30
	3	5,629,103	05/13/97	Wersing, et al.	429	33

**FOREIGN PATENT DOCUMENTS**

<b>Examiner Initial</b>		<b>Document No.</b>	<b>Date</b>	<b>Country</b>	<b>Translation</b>	
					<b>YES</b>	<b>NO</b>
	4	WO 00/39864	07/06/00	PCT		
	5	0 395 400 A1	10/31/90	EPO	X abstract	
	6	0 424 813 A1	05/02/91	EPO	X abstract	
	7	42 27 603 C1	05/11/94	Germany	X abstract	

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>